

RULES OF THE HOUSE OF REPRESENTATIVES.

WITH NOTES AND ANNOTATIONS.

RULE I.

DUTIES AND RIGHTS OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at its last sitting, but if no hour was fixed at such sitting, then at 1 o'clock p. m., and immediately call the members to order and ascertain the presence of a quorum by a roll call of the members of the House.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by law, of the Hall of the House and its lobby and galleries and the corridors and passages and unappropriated rooms in that part of the Capitol assigned to the use of the House.

4. He shall lay before the House its business in the order indicated by the rules, and shall receive propositions made by members, and put them to the House, and shall enforce the rules of the House and the legislative rules prescribed in the Constitution.

5. He shall rise to put a question, but may state it sitting; and he shall put questions distinctly in this form, to-wit: "As many as are in favor (as the question may be) say 'aye,'" and after the affirmative vote is expressed, "As many as are opposed say 'no.'" If the Speaker be in doubt as to the result, or if a division is called for, the House shall divide; those in the affirmative on the question shall rise from their seats and remain standing until the Clerk has numbered (counted) them and the number has been announced by the Speaker; those who vote in the negative are then requested to rise, and they are numbered (counted) and the number announced. The yeas and nays may be called for before the decision of the Speaker is announced.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where

the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

In the National House of Representatives, the Speaker has exercised the duty of giving a decisive vote after the intervention of other business, and even on another day, when a correction in a roll made his vote decisive.

7. He shall decide all questions of order, subject to an appeal to the House made by any ten members, on which appeal no member shall speak more than once, unless by leave of the House. Pending an appeal, no motion shall be in order except to adjourn, to lay on the table, for the previous question, and the call of the House.

In the practice in Congress the Speaker may require that a question of order be presented in writing. He is not required to decide a question not directly presented by the proceedings. Debate being for his information, is within his discretion. Questions arising during a division are decided peremptorily, and, when they arise out of any other question, must be decided before that question. He does not decide on the legislative effect of propositions, or on the consistency of proposed action with other acts of the House, or on the constitutional powers of the House, or on the propriety or expediency of a proposed course of action.

The Speaker may submit a point of order relating to the constitutionality of a proposition, or any other point of order on which he does not wish to rule, direct to the House for its decision.

The right of appeal cannot be taken away from the House; but appeals may not be entertained from a response to parliamentary inquiries, on a question of recognition, or on decisions as to dilatory motions. Appeals on questions as to the priority of business must be decided without debate.

A member called to the chair pending an appeal cannot entertain or decide any other point of order until the appeal has first been determined by the House, and no business whatever shall be transacted pending the appeal except that which is named in the above rule, which is itself subsidiary to the decision of the appeal.

While an appeal is pending it is not in order to appeal from the ruling of a member called to the chair pending the decision of the appeal.

8. He shall examine, correct and approve the Journal of each day's proceedings before the same shall be printed.

9. All committees and the chairmen of the same shall be appointed by the Speaker, unless otherwise specifically directed by the House, in which case they shall be elected; and if, upon such vote, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second vote in which a plurality shall prevail; and in case a greater number than that required to compose or complete a

committee shall have an equal number of votes, the House shall take another vote.

10. All acts, addresses and joint resolutions shall be signed by the Speaker, as required by the Constitution; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the Chief Clerk or the Acting Chief Clerk.

Enrolled bills are signed first by the Speaker and then by the Chief Clerk.

11. The Speaker shall have the right to name any member to perform the duties of the Chair; provided, however, that if the House is not in session, the Speaker shall deliver a written order to the Chief Clerk naming the member who shall call the House to order and preside during the absence of the Speaker.

12. All employes of the House shall be appointed and selected by the Speaker, and he shall have the right to discharge any of them.

RULE II.

ELECTION AND COMPENSATION OF OFFICERS.

All officers of the House shall be elected by ballot, and shall receive such compensation as the House may determine; and, after their salary has been fixed, no further or extra compensation whatsoever shall be allowed them. No officer or other employe of the House shall be permitted to receive, directly or indirectly, whether as a gift or otherwise, any compensation from any person whatsoever other than his regular salary from the House.

Since no rule may be imposed by any Legislature on any future Legislature, this rule and the last section of Rule I are not operative at organization except in so far as their provisions are contained in resolutions providing for employes of the House and for completing the organization of the House.

RULE III.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, and to maintain order under the direction of the Speaker or chairman, and pending the election of a Speaker Pro Tempore, under the direction of the Chief Clerk.

2. He shall have charge, under the Speaker, of the Hall of the House, its lobby and galleries, and all other rooms in the Capitol assigned to the use of the House, and shall keep the same in order.

3. He shall execute the commands of the House from time to time, and all writs and process issued by authority thereof, directed to him by the Speaker.

4. He shall procure and keep for the use of the members and officers of the House such stationery and other supplies as may be ordered by the House or Committee on Contingent Expenses; and he shall keep an itemized account of the quantities of every kind received, the date and price paid therefor, and the persons for whom it was received and to whom it was delivered for use, with the date and quantities of each delivery. The unused remainder, if any, he shall deliver at the close of the session to the Secretary of State for safe keeping. He shall keep his office open daily, except Sunday, until one hour after the adjournment of the House, and on Sunday from 9 a. m. to 10 a. m.

5. The Assistant Sergeant-at-Arms, if any, shall assist the Sergeant-at-Arms in the performance of his duties, and subject to his control and that of the Speaker, shall have the same power.

The Sergeant-at-Arms shall each day report to the Speaker the number of and the time of the receipt of all bills or resolutions from the public printer. By number, is meant the serial number and not the number of the copies printed.

RULE IV.

DUTIES OF THE CLERKS.

1. The Chief Clerk shall have general charge and supervision, under the direction of the Speaker, over the secretarial work of the House; and, pending the election of a Speaker Pro Tempore, he shall call the House to order, preserve order and decorum, and decide all questions of order, subject to appeal of the House. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of bills and joint resolutions, noting at the foot thereof the date of its passage and the vote by which it passed, if by yea and nay vote. In addition to his other duties, the Chief Clerk shall issue all warrants and vouchers of whatever character, and keep an accurate account with all members and employes of the House.

This rule does not apply to warrants or vouchers issued by the Committee on Contingent Expenses.

All messages from the House to the Senate are transmitted by the Chief Clerk. It is his duty to number in their order of filing all bills and joint and concurrent resolutions filed with the House.

All petitions presented by members of the House are filed with the Chief Clerk, and by him are referred to the committee considering the question to which they relate.

2. The Calendar Clerk shall keep the calendars of the House so as to show the action had on, and present status of, all bills and resolutions, and shall have charge of their printing, when authorized by the rules or by the vote of the House. He shall keep an exact record of the times of delivery to the printer of bills and of the return of the printed bills, and shall see to it that all bills are printed in the order of their delivery to the printer. He shall remain at his desk daily (except Sundays) from 8 a. m. to 12 m. and from 1 to 6 p. m., and from 7:30 p. m. until 9 o'clock p. m., and at such other hours as the House or committees may be in session. He shall also have charge of all petitions, memorials, etc., referred to the committees; and when such matters have been returned, he shall carefully keep the same for preservation in the archives of the Legislature.

3. The Calendar Clerk shall keep a register in a well-bound book, in which he will carefully record the order in which all bills and resolutions are delivered to the public printer and the order in which they are returned to the Clerk. This register shall be open to the inspection of the members of the House at all reasonable hours.

4. The Journal Clerk shall keep a journal of the proceedings of the House, in which all proceedings, when not acting under Committee of the Whole, shall be entered as concisely and accurately as possible. In this journal there shall be entered the number and caption of every bill introduced. All simple and concurrent resolutions, and motions, all amendments, and all questions of order, with the decision thereon, and messages from the Governor and Senate shall be entered in full. Lists of all committee reports shall also be printed in the Journal.

Minority reports are printed with the bill or resolution to which they relate, and are rarely printed in the Journal. Senate amendments which are laid before the House for concurrence, etc., are also usually omitted from the Journal, unless they are ordered printed in it by the House.

Every vote of the House shall also be entered on the Journal with a concise statement of the action and of the result.

Pairs are entered on the Journal as a part of the vote.

Reasons for votes on a yea and nay vote may be filed with the Journal Clerk for publication in the Journal.

Motions not entertained and resolutions and amendments held out of order when no question of order has been raised are not required to be printed in the Journal.

The Journal, as made up each day, shall be submitted to the Speaker for his examination, correction and approval, and when approved by him, shall be printed under the supervision of the Journal Clerk, and copies thereof laid upon the desk of each member on the succeeding day; but it need not be read unless upon motion therefor by a majority vote.

5. The Engrossing Clerk shall write out, in a fair, legible hand, or with a typewriter, without erasures, interlineations or additions in the margin, all bills and joint resolutions that have passed their second reading and have been ordered to be engrossed. He shall submit his work to the Committee on Engrossed Bills, before the same is returned to the House, for their examination, correction and approval; and he shall perform such other clerical work for the House or its committees as he may be assigned to by the Speaker.

This rule applies only to House bills.

An engrossed copy of a bill shows it as amended on second reading. If the engrossed bill is amended on third reading, copies of these amendments accompany the engrossed copy of the bill to the Senate as "engrossed riders."

6. The Enrolling Clerk shall enroll all House bills, joint resolutions and such House concurrent resolutions as are required to be presented to the Governor that have passed both houses, typewriting them without erasures, interlineations or additions in the margin; and after they have been examined by the Committee on Enrolled Bills and found truly enrolled, they shall be immediately copied in a letter press copy book by the Enrolling Clerk, in the presence of the Committee on Enrolled Bills, and they shall then be reported to the House for the signature of the Speaker and then transmitted to the Senate.

Each House enrolls its own bills and resolutions. All concurrent resolutions except those relating to adjournment are required to be enrolled and presented to the Governor for his approval.

7. The Reading Clerk and his assistant, if any, shall call all rolls of the House in the alphabetical order of the names

of the members, and shall read aloud all bills, resolutions, motions and other written matter required by the rules or directed by the Speaker to be read. They shall remain standing while reading or calling the roll. In the event of the absence, resignation or death of the Chief Clerk, the Reading Clerk shall take charge of and attend to all the duties of the office until the Chief Clerk returns or his successor is elected.

The Reading Clerk is charged with the important duty of recording the votes of the members on all yea and nay votes and of counting the votes to ascertain the results.

8. Any clerk, employe or officer of the House, other than the Speaker, who shall, directly or indirectly, attempt to influence any member of the House in favor of or against any measure pending before the House or use his official position in aiding anyone lobbying in respect to any measure or question pending before the House, shall be subject to discharge by the House on account of such misconduct. This section shall not apply when such persons are answering questions or giving information at the request of any member of the House; provided further, that any standing committee of the House, by a majority vote of the members present, may grant any clerk, officer or employe the right to appear before such committee and make known his views on any measure pending before such committee.

9. All clerks and stenographers shall report daily, except Sundays, from 8 a. m. to 12 m. and from 1:30 to 6 p. m., and at such other hours as the House or the committee to which they have been assigned may be in session, or as they may be directed by the Speaker. A daily record of the arrivals and departures of clerks and stenographers shall be kept by the Chief Clerk.

RULE V.

DUTIES OF THE DOORKEEPER.

The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall, and when the House is under call shall permit no member to leave the Hall without written permission from the Speaker. Five minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain.

See Section 1, Rule XXVII, for list of persons entitled to privileges of floor when House is in session; and this rule may not be suspended.

RULE VI.

DUTIES OF THE CHAPLAIN.

The Chaplain shall attend the commencement of each day's sitting of the House and open the same with prayer.

"Each day" as used in this rule means each legislative day. The first item under the daily order of business is prayer by the Chaplain (See Rule XXI), and it should not under any circumstances be displaced by any proposition whatever. In the Thirty-fifth Legislature by resolution the House ordered each day's prayer printed in the Journal.

RULE VII.

OF COMMITTEES.

Unless otherwise ordered by the House, the Speaker shall appoint the members of the following committees to consist of the number designated for each; and all proposed legislation shall be referred by the Speaker, subject to correction of such reference by a majority of the House, to the appropriate committee named in this rule.

1. The Committee on Rules, to consist of five members, and which shall have jurisdiction over the rules of the House, the joint rules, and all amendments proposed to either; and it shall be the special duty of the committee to assist in expediting the business of the House.

2. Appropriations, twenty-one members, with jurisdiction over all bills appropriating moneys from the general revenues of the State for maintenance of the State government, its departments and institutions.

3. Judiciary, twenty-one members, with jurisdiction over all matters of civil law, rights, duties, remedies and procedure not assigned to other committees, and with jurisdiction over all matters relating to civil procedure in the courts of the State.

4. Criminal Jurisprudence, twenty-one members, with jurisdiction over all matters of criminal law, and over all matters relative to criminal procedure in the courts of the State.

5. Revenue and Taxation, twenty-one members, with jurisdiction over bills to raise revenue, levying taxes or regulating the manner of their collection.

6. State Affairs, twenty-one members, with jurisdiction over questions of State policy, the administration of the State government, the organization, regulation and management of State departments, and the compensation and duties of officers of the State government, except as may be specifically assigned to other committees; and with jurisdiction over all matters relating to the funding, refunding and payment of the public debt of the State.

7. Constitutional Amendments, twenty-one members, with jurisdiction over all measures proposing amendments to the State Constitution.

8. Education, twenty-one members, with jurisdiction over all matters relating to education and to the public schools and colleges of the State.

9. Public Lands and Buildings, twenty-one members, with jurisdiction over all matters relating to University lands, the public school and asylum lands of the State, and the organization and management of the General Land Office, and the compensation and duties of its employes; and the jurisdiction over all matters relating to the construction, maintenance and arrangement of State buildings, and the care and beautifying of the grounds, cemeteries and parks belonging to the State.

10. Penitentiaries, twenty-one members, with jurisdiction over all matters relating to the penal institutions of the State and to State and county convicts.

11. State Eleemosynary and Reformatory Institutions, twenty-one members, with jurisdiction over all measures concerning the asylums, reformatories and training schools, and other eleemosynary institutions of the State.

12. Military Affairs, eleven members, with jurisdiction over all matters relating to the State Volunteer Guard, State Rangers, and the Adjutant General's Department.

13. Public Health, twenty-one members, with jurisdiction over all matters relating to the protection of the public health, and Public Health Department of the State, to State and county quarantine, and to the practice of medicine, pharmacy and dentistry.

14. Public Printing, eleven members, with jurisdiction over all matters relating to printing for and stationery furnished to the State, its departments, and institutions.

15. Examination of Comptroller's and Treasurer's Accounts, eleven members, whose duty it shall be to examine the departments of the State Comptroller and State Treasurer, and to submit reports upon the condition of each to the Legislature.

16. Federal Relations, eleven members, with jurisdiction over all matters involving the relations between the State and Federal governments.

17. Privileges, Suffrage and Elections, twenty-one members, with jurisdiction over all questions affecting the privileges of the whole House and of the members, over contested elections to the House, and all measures relating to the right of suffrage, and to general, special and primary elections.

18. Contingent Expenses, five members, with full control over the expenditures of the House out of the contingent fund; and it is expressly provided that no claim or bills against the House shall be paid out of the contingent fund, unless the same shall have been previously authorized, and a bill therefor subsequently approved by the Committee on Contingent Expenses, or unless otherwise provided by a vote of the House. The Committee on Contingent Expenses shall have assigned to it a committee clerk who is a bookkeeper and a stenographer, and who shall, under the direction of the committee, keep an itemized account of all the supplies and merchandise of whatsoever kind or description, or other expenditures authorized by the committee, from whom ordered, and the price paid therefor. This statement shall at all times be open to the inspection of any member of the House, and the minutes of the meeting shall be kept in a well-bound book, and at the close of the session of the Legislature shall be delivered by the chairman of the Committee on Contingent Expenses to the Secretary of State, with the request that it be preserved in the archives of his office.

19. Enrolled Bills, five members, whose duty it shall be to examine all bills and resolutions enrolled in the House, and, when properly enrolled, to report thereon, and attend to the signing of the bills or resolutions by the proper officers of the Legislature, and then their delivery to the Governor. It shall also be their duty to examine and enroll bills and resolutions from the Senate, and verify the insertion therein of House amendments, if any, and report thereon.

20. Engrossed Bills, five members, whose duty it shall be to examine all bills and resolutions engrossed in the House and verify the insertion of amendments, if any, and when properly engrossed, to report thereon.

21. Judicial Districts, eleven members, with jurisdiction over all bills creating, changing or otherwise affecting judicial districts of the State.

22. Counties, eleven members, with jurisdiction over all matters relating to counties, their creation, organization, boundaries, government and finances, and the compensation and duties of their officers.

23. Roads, Bridges and Ferries, twenty-one members, with jurisdiction over all matters relating to the creation of county road systems, the establishment and maintenance of roads, bridges and ferries, the payment therefor, and the appointment, compensation, powers and duties of officers, employes and workmen in connection therewith.

24. Municipal and Private Corporations, twenty-one members, with jurisdiction over all matters relating to municipalities and town corporations, their government, finances and officers; and over all matters relating to the organization, corporation, management and regulation of private corporations, except as may be specially assigned to other committees.

25. Common Carriers, twenty-one members, with jurisdiction over all matters relating to railroads, street and inter-urban railway lines, steamship companies, express companies, telegraph and telephone companies and to the Railroad Commission.

26. Insurance, twenty-one members, with jurisdiction over all matters relating to life and fire insurance, fidelity, casualty, and guaranty and surety companies, including their organization, incorporation, management, powers and regulations, and to all and of all fraternal insurance organizations.

27. Agriculture, twenty-one members, with jurisdiction over all matters relating to agriculture, horticulture and farm husbandry.

28. Live Stock and Stock Raising, twenty-one members, with jurisdiction over all matters relating to the live stock industry.

29. Commerce and Manufactures, eleven members, with jurisdiction over all matters relating to commerce, trade and manufactures.

30. Oil, Gas and Mining, twenty-one members, with jurisdiction over all matters relating to oil and gas development, and to mining, and to the development of the mineral deposits of the State.

31. Conservation and Reclamation, twenty-one members, with jurisdiction over all matters relating to the conservation of the natural resources of the State, to the taking, storing, control and use of flood and surplus waters for irrigation, the improvements of rivers, harbors and flooded districts, the incorporation, management, and powers of irrigation companies and the drainage of lands; and to the development and preservation of forests, and the regulation and promotion of the lumber industry.

32. Game and Fisheries, twenty-one members, with jurisdiction over all matters relating to the propagation and preservation of game and fish within the State, and to the development and regulation of the fish and oyster industries on the coast and inland waters of the State.

33. Labor, twenty-one members, with jurisdiction over all matters relating to the welfare and improvement of the condition of all classes of wage earners.

34. Banks and Banking, twenty-one members, with jurisdiction over all matters relating to banking, State Department of Banking and the State banking system.

35. Liquor Traffic, twenty-one members, with jurisdiction over all matters relating to the regulation of the sale of intoxicating liquors and to local option.

36. Committee on Claims and Accounts, nine members, with exclusive jurisdiction over all claims and accounts which may be filed with the Legislature against the State.

37. Congressional Districts, twenty-one members, with jurisdiction over all matters relating to the reapportionment or redistricting of counties into congressional districts.

38. Senatorial Districts, twenty-one members, with jurisdiction over the reapportionment of the various counties into senatorial districts.

39. Representative Districts, twenty-one members, with jurisdiction over all matters relating to the reapportionment of the State into representative districts.

No addition shall be made to the membership of any committee after it has been formed as herein provided, except upon motion of the chairman of the committee, concurred in by the Speaker and approved by a majority of the House.

The Speaker appoints all select and conference committees which the House may order from time to time.

RULE VIII.

ORGANIZATION, POWERS AND DUTIES OF COMMITTEES.

1. As soon as practicable after their appointment, it shall be the duty of the chairman or the chairman pro tem. (to-wit, the first named member after the chairman) of the different committees to notify the Speaker, in writing, of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted in a conspicuous place in the Hall as soon as practicable.

As a matter of fact, few committee meetings have been held on any regular schedule; most of them are had on the call of the chairman and the announcement of the time and place thereof under his direction by the Reading Clerk, and posted on blackboard in the Hall.

2. If, after due notification, the members of any committee fail to meet at the time and place designated, and it shall be evidenced that such absentees are wilfully absent for the purpose of impeding the action of the committee, the chairman shall report such matter to the House; and such committeemen shall be subject to reprimand, or removal from such committee, as a majority of the members present shall decide.

3. No committees shall sit during the time the House is in session without special leave first being granted.

4. A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum in committee assembled. All committee reports shall be in writing, they must be signed by the chairman or the chairman pro tem. and addressed to the Speaker and may contain a brief statement of the recommendations of the committee with reference to the measure reported. A complete list of reports,

favorable or adverse, made by the committee shall be printed in the Journal.

Reports of a minority of a committee are permitted under the practice of the House. The Calendar Clerk is instructed to hold a bill two days if necessary, awaiting the filing of a minority report, but during the last fifteen days of a session he can hold it only twenty-four hours. If the majority report is favorable he is instructed to send the bill to the printer after holding it the required time for the filing of a minority report. If the majority report is not favorable and the minority report is not filed in the prescribed time the Calendar Clerk files the bill away as dead. If the minority favorable report is filed in time the Calendar Clerk holds the bill in his desk indefinitely awaiting a motion to print. This motion to print, if carried, places the bill on the regular calendar just as if it had been reported favorably.

5. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committees in the order in which they were referred and shall be reported back to the House within six days from the date of their respective reference. If any committee shall fail or refuse to report the bill, resolution or other paper referred to it within six days, a motion shall be in order to give the committee additional time, which motion must receive a two-thirds vote of the House before it shall be carried. If a bill is not reported, and the time is not granted as herein set forth, the Speaker shall instruct the committee that the House desires an immediate report upon the bill or measure pending, and it shall be the duty of the committee to immediately consider and report the bill back to the House. Provided, that no adverse report shall be made on any bill or resolution by any committee without first giving the author of said bill or resolution an opportunity to be heard.

Committees should report all bills back to the House in the time allowed under the rules or should ask for an extension of time. Members should see that the committees having their bills under consideration report them back within six days. Any delay in reporting a bill after the time limit is up should be investigated because the life of a bill is endangered when it does not take its rightful place on the calendar.

6. The reports of standing and select committees shall be filed with the Chief Clerk and printed in the Journal.

Standing committee reports are always made in duplicate; one report is for publication in the Journal; the other accompanies the original bill. Special or select committee reports are usually submitted by the chairman of the committees from the floor and are printed in the Journal.

Special or select committee reports are usually held to be privileged matter.

7. It shall be the duty of the chairmen of the several committees to see that the originals of all bills, resolutions, memorials and such other documents referred to them are returned to the House, with the final report upon the matter to which they pertain.

8. The Committee on Engrossed Bills, in addition to their duties as such, are also the Committee on Style; and it shall be their duty to see that all bills passed by the House are correct in style, orthography, punctuation and in whatever else it is within the province of the committee to correct.

9. It shall be in order for the Committee on Engrossed Bills, Enrolled Bills and the Committee on Rules to report at any time.

10. Reports of committees are advisory only. When the report is made, the proposition, bill or resolution recommended or reported back shall be before the House for its consideration without action upon the report.

Reports of investigating committees and of certain other select committees very often do not make any recommendation on any particular bill or resolution, and when such is the case, action recurs directly on the report itself after it has been read to the House.

11. No floor report shall be made by any committee except on road bills and school district bills; provided, however, that if any citizens of those districts desire to be heard before the committee, and the bill is brought out on a floor report, it shall be recommitted by order of the Speaker upon receiving proper notification in writing of their desire to be heard by any citizens of the district affected.

12. The rules governing the proceedings of the House shall apply to the proceedings in the committee in so far as same are applicable.

Section 12 of Rule VIII was added by the Thirty-fourth Legislature. Its most far-reaching effect lies in the fact that a motion to table and a motion for the previous question, heretofore not allowed in committees, can now be made for the purpose of cutting off discussion on measures being considered in committees.

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be: First, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings; second, the rights, reputation and conduct of members individually in their representative capacity only, and shall have precedence of all other questions, except motions to adjourn. When in order, a member may address himself to a question of privilege from his seat; or at any time he may print it in the Journal, provided it contains no reflection upon any member of the House.

This is an exact copy of Rule IX of the National House of Representatives, which is fully annotated in the Congressional House Manual and Digest.

Of late members have taken unfair advantage of their right to speak to a point of personal privilege, and have discussed matters which were clearly not matters "affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings," or of "the rights, reputation and conduct of members individually or in their representative capacity only." This practice is an open violation of the rules and should not be permitted.

RULE X.

DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

There is no appeal from the Speaker's recognition; but he is governed by rules and usage in priority of entertaining motions from the floor; and for this reason he may ask, when a member seeks recognition, "For what purpose does the gentleman rise?" or "For what purpose does the gentleman from ———— seek recognition?"

When a certain bill is before the House, he must first recognize, for motions for its disposition, the member who represents the committee or the person who has charge of the bill. Usually the chairman of the committee has charge of the bill, unless he yields to the author or the chairman is opposed to the bill, and he is entitled at all stages to prior recognition for motions that are in order which are intended to expedite the passage of the bill. Where a proposition is brought directly before the House, the mover is entitled to prior recognition for motions and debate.

It is not in order for any member, by offering a debatable motion of higher privilege than the pending motion to take a member off

the floor, but when the mover of the pending motion has yielded the floor a motion of a higher privilege may be made. The fact that a member has the floor on one matter does not entitle him to prior recognition. When an essential motion made by a member in charge of the bill is defeated, his prior right to recognition passes to the member leading the opposition to the motion. But the mere defeat of an amendment proposed by the member in charge does not cause recognition to pass to the opponent.

In recognition for general debate, the Speaker's rule is to alternate between those favoring and those opposing a measure.

It is a general parliamentary rule that there must be something before the House before a member may proceed in debate, and this something must be a definite debatable proposition, and may be required to be in writing. A withdrawal of the proposition prohibits further debate on the same. But sometimes, when a report, or a message from the Governor, for instance, has been before the House, it has been debated upon before any specific motion was made in relation thereto. Before debate begins, the motion or proposition must be stated by the Speaker or read by the Clerk.

A member who desires to speak should address the Chair, and, having obtained recognition, may proceed if he does so in an orderly and parliamentary way—i. e., avoiding personalities—until he consumes his time, which, under the rules, is ten minutes, which may be extended by motion another ten minutes, and after that he can speak only by unanimous consent, unless he is the mover of a proposition or has the bill or measure under consideration in charge. Then, on a motion to table the proposition or under the previous question, he has twenty minutes in which to discuss the proposition. The time limit of ten minutes does not apply to appropriations. According to the rules, a member may speak fifteen minutes only on appropriations.

The rule which should be adhered to is that, when speaking, a member must confine himself to the subject under debate. In discussing an amendment, the debate must be confined to the amendment and not include the general merits of the bill or other proposition unless it be an amendment to strike out the enacting clause.

2. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

3. The mover of any proposition, or the member reporting any measure from a committee, as the case may be, or, in case of the absence of either of them, then any other member designated by such absentee, shall have the right of opening and closing debate thereon, and for this purpose may speak each time not to exceed twenty minutes.

By the mover of a proposition is meant the mover of the original proposition before the House for consideration. In case of a bill being considered, the member having the bill in charge is the mover of the proposition.

Since an amendment to strike out the enacting clause of a bill if

adopted has the effect of killing the bill, it opens for debate the merits of the whole bill; and if the previous question is ordered on the amendment to strike out the enacting clause alone, or on both the amendment and the bill, the author of the bill will have the right to be recognized to speak to the merits of the bill, after which the member offering the amendment striking out the enacting clause shall have the right to close the debate before the vote is taken on the first question to be voted on under the previous question. All members having the right to speak after the previous question has been ordered should speak before the question is put on the first proposition covered by the previous question. All votes should then be taken in their correct order, and no vote or votes should be deferred to allow any member to close on any one of the propositions separately after the voting has commenced.

A member having the floor may not be taken off his feet by an ordinary motion, even the highly privileged motion to adjourn, unless he shall yield for that purpose. It is the custom of the Speaker to request a member to yield for a message. A member may yield the floor for a motion to adjourn without losing his right to continue when the subject is again continued. A member may also resume his seat while a paper is being read in his time without losing his right to the floor. A member who, having the floor, moved the previous question, was permitted to resume the floor on withdrawing the motion. But a member may not yield to another member to offer an amendment without losing the floor. A member desiring to interrupt another member in debate should address the Chair for permission of the member speaking, but the latter may exercise his own discretion as to whether or not he will yield.

The House of late has drifted into a very bad practice of permitting a member who has the right under the rules to close the debate on the main question or any phase of the pending question, to yield his time to as many members as he pleases in the allotted time. This practice is not in accord with the spirit of the rules and should not be tolerated. The above rule is as clear as it can be, and a strict adherence to it will tend toward a greater dispatch of business.

4. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken; nor shall any member be permitted to consume the time of another member without the consent of the House.

5. If a pending question is not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

6. All speeches shall be limited to ten minutes in duration except as provided in Section 3 of this rule, and the Speaker shall call the members to order at the expiration of their time; provided, however, that in case the House by a vote extends the time of any member, such time shall not be

extended exceeding ten minutes additional without the unanimous consent of the House. Provided, this rule shall not apply to measures carrying an appropriation, in the discussion of which speeches shall be limited to fifteen minutes in duration except as provided in Section 3 of this rule.

7. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may deem proper.

8. While the Speaker is putting a question or addressing the House, no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat or smoke upon the floor of the House.

9. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether or not said paper shall be read.

It is a practice long standing in the House that any member is recognized as having a constitutional right to demand the full reading of any bill under consideration, except in case of a bill revising the statutes. (Art. III, Sec. 32, Const.) Such demand, however, should never be made for dilatory tactics.

RULE XI.

OF VOTING.

1. Any member who has a personal or private interest in any measure or bill proposed or pending before the House, shall disclose the fact, and shall not vote thereon.

This is a constitutional provision embodied in the Rules of the House, which each member is left to comply with according to his own judgment as to what constitutes a personal or private interest.

Verification of a yea and nay vote is not provided for by any rule and a member, as a matter of right, may not demand it. But when a vote is close it has been the practice in the National Congress and in the House for the Speaker to order it when requested by any member voting. During such verification no member can change his vote, neither may any member not having voted cast a vote. It would be a dangerous precedent to allow any change in the

vote after it had once been announced. And no change should ever be made except in the case of an erroneously recorded vote.

The verification should be called for immediately after the vote is announced, and the Speaker should not entertain a request for a verification after the House has proceeded to the next question or after a recess or an adjournment.

2. No member shall be permitted to vote in any case, whether upon division or roll call, when he was not within the bar of the House when the question was put; and if his vote be challenged on that ground, or if he ask leave to vote, the Speaker shall ask him whether he was within the bar of the House when the question was put; and if he answer in the affirmative, he shall be permitted to vote.

The constitutionality of a rule denying a member the right to vote at any time before a result is announced is very doubtful; so much so that this rule has never been strictly enforced in the House.

3. In order to be entitled to vote, and to be within the bar of the House, a member must be on the floor of the Hall and within the walls enclosing the same, and not outside of any of the doors leading out of the Hall, and he must vote from his seat.

4. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him; and any member who is present and shall fail or refuse to vote, after being requested to do so by the Speaker, shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

5. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Clerk, under order of the House, shall have commenced calling the yeas and nays.

Immediately following the roll call on the question on which he desires to explain his vote, a member may submit his reason for a vote to the Journal Clerk to be printed in the Journal.

6. The yeas and nays of the members of the House on any question shall, at the desire of any three members present, be called and entered in the Journal.

This is a constitutional provision (Art. III, Sec. 12), by which the Speaker is bound to recognize the demand of any three members of the House for a roll call on any question to be voted on by the House.

7. While the yeas and nays are being called, or votes are being counted, no member shall visit the Clerk's table or leave his seat.

8. On demand of any member, before the question is put, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains.

PRACTICE IN THE HOUSE OF REPRESENTATIVES IN CONGRESS AS TO DIVISION OF THE QUESTION.—After the question has been put, it may not be divided, nor after the yeas and nays have been ordered. But it may be demanded after the previous question has been ordered.

It is not in order to demand a division of a related subject; as, when a resolution to adopt a series of rules not made a part of the resolution was before the House, it was held not in order to demand a separate vote on each rule.

In voting on the engrossment or passage of a bill or joint resolution a separate vote on the various portions may not be demanded, or on the preamble of a bill; but on a series of simple resolutions a division may be demanded. When a motion is made to lay several connected propositions on the table, a division is not in order. On a decision of the Speaker involving two distinct questions there may be a division on appeal.

9. All pairs must be announced when the roll is called, and a written statement thereof sent to the Clerk. Such pairs shall be entered on the Journal, and the member present shall be counted to make a quorum.

"Clerk" in this section has reference only to the Journal Clerk.

RULE XII.

OF MOTIONS.

1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and shall be entered on the Journal, with the name of the member making it, unless it is withdrawn the same day.

After any action is had on a motion entertained by the Speaker it may not be withdrawn if there is any objection offered to the withdrawal of it.

2. When a motion has been made, the Speaker shall state it, or (if it be in writing), cause it to be read aloud by the Clerk before being debated; and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When a question is under debate no motion shall be received but—

- (1) To fix the day to which the House shall adjourn.
- (2) To adjourn.
- (3) To take recess.
- (4) To lay on the table.
- (5) For the previous question.
- (6) To postpone to a day certain.
- (7) To commit.
- (8) To amend.
- (9) To postpone indefinitely.

Which said motions shall have precedence in the above order. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, be considered as equivalent to the rejection of the bill.

Under the practice of the House of Representatives, Thirty-sixth Legislature, Regular Session, one legislative day's notice must be given before any bill, resolution, or other matter laid on the table subject to call can be called up and considered by the House, unless it be on the same day, in which case it can be called up at any time except when there is another matter pending before the House. This does not apply to Senate bill days, unless it be a Senate matter that is laid on the table subject to call.

Under the practice of the House, the motion to lay on the table subject to call is in order, although not specifically set forth in the rules.

A motion to refer is equivalent to a motion to commit, and a motion to refer to a standing committee has precedence of a motion to refer to a select committee.

There are several kinds of motions to amend which motions have precedence in the order named below:

1. Amendment to strike out the enacting clause of a bill.
2. (Committee) amendments offered from the floor to the body of the bill.
3. Other amendments offered from the floor to the body of the bill.
4. Amendments to the caption of the bill.

If a bill is considered section by section, an amendment is not in order except to the section under consideration. After all of the sections have been considered separately, the whole bill is open for amendment.

4. A motion to adjourn, except as hereinafter provided in Rule XIII, Section 6, and a motion to fix the day to which the House shall adjourn, shall always be in order.

A motion to adjourn is not in order under three circumstances: first, when a member entitled to the floor is addressing the House, without his consent to yield for the purpose; second, when the main question on a pending question or questions has been ordered and there has been no roll call to show that a quorum of the House is

not present; third, when, a quorum being present, no business has been transacted since a motion to adjourn has been lost. The calling of a roll, the reception of a message from the Senate or the address of a member of the House has been held to be the transaction of business.

It is the invariable custom of the House when several motions to recess or adjourn shall have been made at the same period, to put the motion carrying the longest time first, and in that order until one is adopted, or all have been voted on.

5. When motions are made for the reference of a subject to a select or standing committee, the question for the reference to a standing committee shall be put first.

6. No motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition.

7. The motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution, amendment or other immediate proposition tabled. It shall not be debatable, but the mover of the proposition proposed to be tabled, or the member reporting it from a committee, shall be allowed to close the debate thereon after the motion to table is made and before it is put. The vote by which the motion to table is carried or lost cannot be reconsidered.

The motion to lay on the table is used in the House as a final, adverse disposition of a matter without debate. It may not be amended or applied to the motions for the previous question, to suspend the rules, or to any motion relating to the order of business, except the motion to discharge a committee. The general trend of rulings in Congress indicate that the secondary or privileged motions for the disposal of a matter should not be laid on the table. The motion to table may be repeated after intervening business, but the "intervening business" must be such as to carry the question to a new stage in order to permit a repetition of the motion.

8. A bill or proposition postponed to a day certain shall be laid before the House at the time to which it was postponed, unless other business be then pending; in which case its consideration shall be deferred until the pending business is disposed of, without other prejudice to its right of priority.

The motion to postpone indefinitely opens to debate all the merits of the proposition to which it is applied. It may not be applied to the motion to refer, or to suspend the rules, and it is reasonable to infer that it is equally inapplicable to the other secondary or privileged motions enumerated in the rule, and to motions relating to the order of business. The effect of the motion to postpone indefinitely is to dispose of the proposition postponed for the remainder of the session.

9. The following motions shall be decided without debate:
 - (1) To adjourn.
 - (2) To fix the day to which the House shall adjourn.
 - (3) To lay on the table.
 - (4) That a proposition lie upon the table subject to call.
 - (5) For the previous question.
 - (6) To suspend the regular order of business and take up some measure out of its regular order.
 - (7) To suspend the constitutional rule requiring bill to be read on three several days.

The motion to reconsider is debatable except when the vote proposed to be reconsidered is on a proposition that is not debatable.

DILATORY MOTIONS.—The rules of the House of Representatives in Congress provide that “no dilatory motion shall be entertained by the Speaker.” Under this rule the Speaker has declined to entertain debate on appeal or on a question as to the dilatoriness of a motion, as to do so would be to nullify the rule; but he has recognized that the authority conferred by the rule should not be exercised until the object of the dilatory motion becomes apparent to the House. Usually, but not always, the Speaker awaits a point of order from the floor of the House before acting. The rule has been applied to motions to adjourn and to reconsider. The point of “no quorum” has been ruled out; but the constitutional right of three members to demand the yeas and nays may not be overruled.

An appeal may not be entertained on a decision as to a dilatory motion.

RULE XIII.

OF THE PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the Chair in this manner: “The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say ‘yea,’” and then, “As many as are opposed say ‘nay.’” If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

After the previous question has been ordered, no motion is in order until the question or questions on which it is ordered have been voted upon, except the motion for a call of the House and the motion to reconsider the vote by which the previous question was ordered and this motion to reconsider can be made only once, and that must be before any vote under the previous question has been taken. The motion to adjourn is in order after the previous question has been ordered and before the vote is taken on the pending

question or questions if a roll call develops the fact that there is not a quorum of the House present. (Leg. Man., 33d Leg., pp. 662-664.)

2. The previous question may be asked and ordered upon any debatable single motion, or series of motions, allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day certain, or indefinitely, or to commit, and can not be laid upon the table.

3. On the motion for the previous question there shall be no debate; and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition or any of the pending amendments, or the member making the report from the committee, as the case may be, or, in the case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

5. When the previous question is ordered upon a motion to postpone indefinitely, or to amend by striking out the enacting clause of a bill, the mover of a proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order, after the previous question is seconded, until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the House may be moved after the previous question has been ordered.

PURPOSE OF THE MOTION FOR THE PREVIOUS QUESTION.—In the House of Representatives in Congress, the motion for the previous question is the only motion used in the House itself for closing

debate. The motion may not include a provision that it shall take effect at a certain time. It may not be moved on more than one bill, except by the unanimous consent of the House. It is often ordered on undebatable propositions to prevent amendment, but may not be moved on a motion that is both undebatable and unamendable; for example, the motion to table. It applies to questions of privilege as to other questions; also, to appeals.

The motion to lay on the table may not be applied to the previous question; nor may it be applied to the main question after the previous question has been ordered, or after the yeas and nays have been ordered on the demand for the previous question.

The motion to postpone may not be applied to the main question after the previous question has been ordered. (Leg. Man., 33d Leg., pp. 662-664.)

RULE XIV.

OF RECONSIDERATION.

1. When a motion has been made and carried, or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up.

The "order of the day" referred to in the above rule would certainly mean the order of disposing of the business on the Speaker's table and not the daily order of business as set forth in Rule XXI, of which "prayer by the Chaplain" is the first item.

Where the yeas and nays have not been ordered recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider; but a member who was absent or who was paired in favor of the majority contention, and did not vote, may not make the motion.

While the motion to reconsider has high privilege for entry, it may not be considered while another question is before the House. When it relates to a bill belonging to a particular class of business, consideration of the motion is in order only when that class of business is in order.

When a motion is made to reconsider the vote on a bill which has gone to the Senate, a motion to recall the bill is privileged.

The motion to reconsider is adopted by a majority vote, even when the vote reconsidered requires two-thirds for affirmative action.

The vote by which the previous question was ordered can only be reconsidered one time and, as previously stated, the motion to reconsider cannot be applied to a vote by which the previous question was ordered after the previous question has been partially executed.

A motion to reconsider cannot be applied to a negative vote on adjournment, for recess, or suspension of the rules.

A motion to reconsider having prevailed and the vote again taken on the proposition, another motion to reconsider is not in order unless the nature of the proposition has been changed by amendments.

The effect of a motion to reconsider is to suspend the original proposition, or in other words, to hold the matter in abeyance pending the further pleasure of the House. However, should the Legislature adjourn finally, leaving undisposed of a motion to reconsider, and the bill, by oversight, should be enrolled, properly signed by the presiding officers of the two houses and approved by the Governor, it would undoubtedly become a law, although a motion to reconsider the vote by which it was finally passed remained undisposed of.

When a motion to reconsider is carried, the question immediately recurs on the proposition reconsidered, and when a vote adopting an amendment is reconsidered the amendment simply becomes the pending amendment.

A motion to reconsider is debatable unless the proposition upon which the motion to reconsider is made is not debatable.

Although a bill may have gone to the other house or to the Governor, or the House has informed the Senate that it has agreed to Senate amendments to a House bill, the motion to reconsider may be made if made within the time prescribed by the rules. In such cases the procedure is to advise the Senate or the Governor, as the case may be, that a motion is pending to reconsider and a request is made that the bill be returned for further consideration.

2. If such motion for a reconsideration be not disposed of when made, it shall be spread upon the Journal, and can not, after that legislative day, be called up and disposed of unless one day's notice shall be given. But all such motions made during the last three days of the session shall be disposed of when made.

Mr. Bagby called up the motion to reconsider the vote by which the House refused to pass House Joint Resolution No. 15, which motion to reconsider was on March 6 duly spread on the Journal, due notice having been given.

Mr. Burmeister raised a point of order on consideration of the motion to reconsider at this time, on the ground that the regular order of business must first be suspended before the motion could be considered by the House. Overruled.

The Speaker then ruled that under the joint rules of the House and Senate, this being Senate bill day, it would not be in order for the House to consider the resolution at this time without the consent of the Senate. (34th Leg., p. 1108.)

Mr. Burmeister called up the motion to reconsider the vote by which the House on March 6 refused to pass House Joint Resolution No. 15, the motion to reconsider having been duly made on that day to spread on the Journal.

Mr. Bagby raised a point of order on consideration of the motion to reconsider at this time, on the ground that one day's notice had not been given that the motion would be called up, as required by the rules. Sustained. (34th Leg., p. 1044.)

Mr. Burmeister appealed from the ruling of the Chair. Appeal was seconded. Mr. Rowell called to the chair. Mr. Burmeister then withdrew his appeal, indicating by this action that in his opinion the Speaker's ruling was correct. Mr. Burmeister then moved to

suspend the rule of the House requiring one day's notice to be given, and that the motion to reconsider be taken up and considered at this time. The motion to suspend was lost by 72 yeas to 58 nays. It taking two-thirds vote to suspend any standing rule or order of the House. (See Rule XXII, Sec. 1.)

3. When a motion for reconsideration has once been made it can not be withdrawn, but may be called up by any member.

4. Unless sooner called up and disposed of, all motions for the reconsideration of votes upon amendments or other incidental matters shall be regarded as determined and lost upon the final vote upon the main question.

RECONSIDER AND TABLE.—In the practice of the House, the double motion to reconsider the vote on a proposition and table the motion to reconsider is of frequent occurrence. It is in effect two motions, one to reconsider the vote on a proposition and the other to lay the motion to reconsider on the table. The question is first on the motion to table. If that motion be lost, the question will then be on the motion to reconsider. The purpose of this double motion is to prevent a reconsideration of a matter the House has already decided by vote, for when a motion to reconsider is tabled another motion to reconsider would not be permitted under the rules.

The motion to rescind is not permitted under the rules.

RULE XV.

OF ROLL CALLS AND CALLS OF THE HOUSE.

Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

It shall be in order to move a call of the House at any time to secure and maintain a quorum for the following purposes:

(a) For the consideration of a specific bill, resolution, or other measure.

When a call of the House is moved for one of the above purposes and seconded by fifteen members (of whom the Speaker may be one), the Doorkeeper shall close the main entrance of the Hall, and all other doors leading out of the Hall shall be locked and no member be permitted to leave the House without written permission of the Speaker, until after the subject matter upon which the call was ordered has been disposed of. The Clerk shall call the roll of members and note the absentees and those for whom no sufficient

excuse is made may, by order of the majority of those present, be sent for and arrested, wherever they may be found by the Sergeant-at-Arms, or officer appointed by him for that purpose, and their attendance secured and retained, and the House shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

When a quorum is shown to be present, the House may proceed with the matters on which the call was ordered, or may enforce and await the attendance of the absentees.

(b) For a definite period of time or for the consideration of any particular class of bills.

A call of the House for one of these purposes shall be ordered only by a majority vote of those present, and when ordered, the same procedure shall be followed as set forth above for securing and maintaining a quorum.

RULE XVI.

OF SIMPLE AND CONCURRENT RESOLUTIONS.

1. When resolutions are called for the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from.....offers the following resolution. The resolution will be read." As soon as the Clerk shall have read the same the Speaker shall say: "What order will the House take on the resolution?" If the second reading of the resolution is called for, the Speaker shall say: "Second reading of the resolution is called for. If there be no objection, the resolution will be read a second time." If objection be made to the second reading, it shall be in order for any member to move for the second reading and if the motion be carried, the resolution shall be read again and it will then be before the House for amendment, adoption or rejection, or other action. If the second reading is not moved, the resolution shall lie over until the following day, when it will come up as business on the Speaker's table.

A resolution that goes over to the next legislative day as unfinished business shall be considered until finally disposed of when it is again laid before the House for consideration. The

twenty-minute rule does not apply to resolutions that are before the House as unfinished business.

2. Concurrent resolutions shall take the same course as simple resolutions, and shall be numbered in regular order.

3. Resolutions may be filed with the Chief Clerk after the opening of the session of the House and when resolutions are called for, all resolutions so filed shall be taken up in the order filed and disposed of before the Speaker shall permit members to offer resolutions from the floor of the House.

RULE XVII.

JOINT RESOLUTIONS.

All amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be adopted on any reading after the first when it receives a two-thirds vote of the members-elect of the House. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions thereto short of the final question.

A ruling of the Attorney General is to the effect that an appropriation cannot be made by joint resolution unless it takes the regular course of a bill and commences with the enacting clause prescribed in the Constitution for bills.

The constitutional reason for this ruling is that the Constitution requires all appropriations to be made by law, and prescribes that no law shall be enacted except by bill, which must begin with the enacting clause "Be it enacted by the Legislature of the State of Texas." (Vol. 31, Opinions of Attorney General.)

This opinion reinforces the proposition that joint resolutions are only a special kind of bills.

RULE XVIII.

OF BILLS.

1. Proposed laws or changes in laws must be incorporated in bills, which shall consist of a title or caption, beginning with the words, "A bill to be entitled An Act to," and containing a brief statement of the object of the proposed measure, and of the bill proper beginning with the enacting clause, "Be it enacted by the Legislature of the State of Texas," and stating at large the measure proposed; and if the bill pro-

poses to amend an existing law, it shall be accompanied by a brief statement of the proposed change in the existing law. (Const., Art. III, Sec. 29.)

An extra copy of the text of the caption of every bill shall accompany the bill when it is filed with the Chief Clerk or introduced from the floor of the House, and no bill shall be laid before the House to be read the first time unless it is accompanied with an extra copy of the caption.

2. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. (Const., Art. III, Sec. 35.)

3. No law shall be reviewed or amended by reference to its title, but in such case the Act revived or the section or sections amended shall be re-enacted and published at length. (Const., Art. III, Sec. 36.)

4. Bills shall be introduced in the same manner as resolutions, and with the same order of precedence. Each bill shall be numbered in its regular order; and when bills are called for by the Speaker, first those filed with the Chief Clerk and then those introduced from the floor shall be read first time by caption and referred to the proper committee.

5. No bill shall be considered or tabled, unless it has been first referred to a committee, and reported therefrom; and no House bill, except appropriation bills, shall be passed, which has been presented, referred to and reported from a committee at least one hundred and twenty hours (five full calendar days), next before the final adjournment of the Regular Session of the Legislature; or if in Special or Called Session, then within ninety-six hours next before the final adjournment of such session.

When a bill has been committed once at any reading and has been reported adversely by the committee to which it was referred, it shall not be in order to again recommit the bill unless a minority report shall have been filed in the time required by the Rules of the House, and then only by a two-thirds vote of those present.

No House bill, except appropriation bills, on its second reading, shall be considered for any purpose during the last seventy-two hours before the final adjournment of the Legislature.

No Senate bill on its second reading shall be considered during the last seventy-two hours of the Regular Session of the Legislature, or during the last seventy-two hours of any Special or Called Session.

The Speaker shall not be authorized to recognize, or shall he recognize anyone, to take a bill up out of its regular order, within forty-eight hours next preceding final adjournment; nor shall he lay any bill before the House for a vote upon any passage during the last twenty-four hours next preceding the final adjournment of the Legislature and during said last twenty-four hours, no vote shall be taken upon any bill except to correct an error therein, or to adopt a conference report.

6. All bills before the House on their third and second readings, respectively, shall be taken up and acted upon in the order in which they are numbered; provided, that Tuesday of each week shall be devoted to the consideration of House bills on their third readings until disposed of.

But when any House bills shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill.

On Wednesday and Thursday of each week only Senate bills, on their third and second readings, respectively, shall be taken up and considered until disposed of; and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday), as the unfinished business.

The rules of the House (Rule XXII) provide that no bills except Senate bills may be considered on Senate bill days, except by unanimous consent. The joint rules (Joint Rule XXIII) provide that no other business may be considered on these days without the consent of the Senate.

Local bills shall only be in order after 4:30 p. m. each Wednesday and each Thursday; provided, that it shall not be in order to suspend the constitutional rule requiring bills to be read on three several days in the consideration of any local bill. By local bill is meant any measure affecting only one county, city or representative district, other than the establishment of new courts.

The following memoranda may be helpful in determining if a bill is a local or a general bill:

Bills relating to the sale of public lands on islands not local.

An act to amend the general game and fish law not a local bill.

Bill to create a new county held not to be a local bill.

Bill creating a district court out of parts of two or more counties not local.

Fee bill applying to counties of more than 80,000 not local.

A bill to amend an act to apportion the State into congressional districts not a local bill.

Bills relating to judicial districts are general.

Bills reorganizing one or more judicial districts are general.

A bill for the purpose of reorganizing or creating a new judicial district is not a local bill unless it affects only a single representative district, and does not provide for an appropriation.

Bill having for its purpose the remission of taxes is a general bill.

Bills affecting county auditors law are not local bills.

By unanimous consent House may consider a general bill on local bill day.

7. All bills when reported favorably by a committee shall immediately be sent to the printer by the Calendar Clerk and a printed copy laid on the desk of each member before the bill is acted on by the House. In the event a notice of a minority report is given the Calendar Clerk is instructed to hold a bill two days if necessary, awaiting the filing of the minority report but during the last fifteen days of the session, he shall not hold a bill more than twenty-four hours awaiting a minority report. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

Bills reported favorably by a committee must be printed and copies thereof laid upon the desks of members before they may be acted on by the House. Or the House must order that they be not printed, in which case they may be acted on without being printed.

Bills reported adversely may not be considered by the House until they have by motion been ordered printed and copies thereof laid upon the desks of the members.

On motion, the House usually orders local bills not printed.

8. After a bill has been taken up and read, amendments thereto shall be in order, those recommended by the committee or its minority being first considered, if called up. If no amendment is made, or if those proposed are adopted, then the final question upon its second reading shall be, in the case of a House bill, whether it shall be engrossed, or, in the case of a Senate bill, whether it shall pass to its third reading; and all bills ordered engrossed or passed to a third reading shall go on the calendar in their regular course.

Under the practice of the House, a bill is read the first time by its title and referred to a committee. The second reading of a bill

occurs when it is taken up for consideration by the House; after it has been reported from a committee and has been printed and distributed among the members. A bill must be read the second time in full if demanded by any member. This reading cannot be dispensed with by a vote of the House if any member still demands it.

9. No bill shall have the force of law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in the preamble or in the body of the bill), four-fifths of the House may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journal. (Const., Art. III, Sec. 32.)

By four-fifths of the House is here meant four-fifths of the members of those voting, a quorum being present; provided, that within the meaning of this rule "an imperative public necessity" shall be held to mean only such condition or state of affairs which, if not immediately remedied, will cause great loss of life or of property; and the Speaker shall not entertain a motion to suspend the constitutional rule requiring bills to be read on three several days until it shall affirmatively appear that such a condition or state of affairs does actually exist.

SUSPENSION OF THE CONSTITUTIONAL RULE.—The rules of the House provide that the Speaker shall not entertain a motion to suspend the constitutional rule requiring bills to be read on three several days, unless it shall affirmatively appear that such a condition or state of affairs exists which if not immediately remedied will cause great loss of life or property. The purpose of this rule was not to prevent any bill which received a two-thirds vote on its final passage in both houses from taking immediate effect, but it was for the purpose of protecting the House against endless roll calls, which retard rather than expedite the business of the House. In the First Called Session of the Thirty-third Legislature an attempt was made to override this rule, on the ground that it was unconstitutional, but the House, upon the question being submitted to it, decided to stand by the rule. As this rule does not attempt to define what an "emergency" or "public necessity" is, except for the sole purpose of considering a bill, we cannot understand why it is contrary to the Constitution. As a matter of fact, there is no definition of what "an imperative public necessity" and "an emergency" is. It is left solely to the discretion of the Legislature or of each house. Even the limit is much narrower than this for a fraction more than one-fifth of the members present can prevent the suspension of the rule, if in their judgment the emergency does not exist. This, together with the fact that under the Constitution, the House has the authority to make its own rules of procedure and as this rule has to do solely and alone with the consid-

eration, we think the position that it is unconstitutional is not tenable. (Leg. Man., 33d Leg., p. 834.)

10. When a bill has been taken up on its third reading, amendments thereto shall be in order, but shall require a two-thirds vote of the members present for their adoption; or the bill may be committed and reported to the House with amendments, in which case it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill. After all amendments have been disposed of, the question shall be upon the final passage of the bill.

The third reading of a bill occurs when it is taken up for consideration by the House after it has been passed to engrossment, or, if a Senate bill, passed to a third reading; and this reading is usually by title only. In the House of Representatives in Congress, a vote on the passage has been reconsidered in order to remedy the omission to read a bill the third time. But, in case of imperative public necessity, where the House suspends the rule requiring bills to be read on three several days, the full reading of the engrossed copy of the bill may not be demanded. A bill or other proposition committed at a third reading and again reported from a committee, when again laid before the House for consideration, takes the course of a bill on a second reading, except those amendments and motions that would not have been in order when the question originally recurred on the engrossment of the bill or other proposition.

On page 73, Volume 8, Hind's Precedents, we have the following:

"When a bill is recommitted to the committee which returned it, the whole question is before the committee anew as if it had not been before considered."

11. When a bill shall pass, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof, and the vote by which it passed, if by a yea and nay vote.

12. No law passed by the Legislature, except the general appropriation Act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the Journals. (Const., Art. III, Sec. 39.)

EMERGENCY CLAUSE.—Owing to the great amount of business which usually comes before the regular session of the Legislature, and the limited time of an ordinary session, if there is a public

necessity for the immediate enactment of a law and for its taking immediate effect, in the practice of the House, it is the custom to permit such a law to be passed under the emergency provisions of the Constitution and the Rules of the House. The imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and the emergency for its taking effect from and after its passage are usually stated in the last clause of the bill. This practice is necessary to the quick enactment of certain measures, but it should not be abused to the extent of putting an emergency clause on to a bill so as to put it into immediate effect when there is no real necessity for its becoming effective immediately.

13. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session. (Const., Art. III, Sec. 34.)

In the Twenty-sixth Legislature (Journal, p. 415) a point of order was made on consideration of a bill in the House because the Senate had considered and defeated a bill containing the same subject matter. The Speaker held the point of order not well taken. A point of order of this kind must be decided on the actual facts of the case; a bill might be similar, even containing apparently the same substance, and yet be so different as not to come within the rule. If the Senate has officially reported the defeat of a particular measure, a point of order on consideration of a similar measure in the House would stand or fall according to whether or not the presiding officer of the House thinks the measure being considered in the House contains the same substance as the measure defeated in the Senate.

14. No motion shall be in order to suspend the reading in full of a bill on second reading if demanded by any member.

CONSTITUTIONAL PROVISIONS IN THE RULES OF THE HOUSE.—Several provisions of the Constitution are embodied in the rules of the House, so that some of the rules of the House are also constitutional rules. Any rule that is merely a rule of the House may be suspended by a two-thirds vote, or as may be provided in the rules of the House; but when a rule of the House is a repetition of a constitutional provision, it is, of course, different; and a rule of this kind may not be suspended unless such suspension is specially provided for in the Constitution.

RULE XIX.

OF AMENDMENTS.

1. When a bill, resolution, motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order; and it shall also be in order to offer a further amendment by the way of substitute.

Under this rule, according to the recent practice in the House, a substitute for either an amendment or an amendment to the amendment is in order; but an amendment to a substitute is not permitted.

2. A motion to strike out and insert new matter in lieu of that to be stricken out shall be regarded as a substitute and shall be indivisible.

3. Amendment to the caption of a bill or resolution shall not be in order until all other proposed amendments shall have been acted upon and the House be ready to vote upon the passing of the measure; and the same shall be decided without debate.

4. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate.

Section 4 of this rule is in part a repetition of the constitutional provision prohibiting the amendment of a bill to the extent of changing its original purpose. For a long list of precedents showing amendments that have been held germane and not germane, see Manual, 33d Legislature, pp. 548-593, and Vol. V, of Hinds' Precedents.

WITHDRAWAL OF AMENDMENTS.—The rule provides that the motion to amend may be withdrawn at any time before a decision or amendment.

PRECEDENCE OF THE MOTIONS TO AMEND.—Amendments reported by a committee are acted on before those offered from the floor, if called up. An amendment from the floor to a committee amendment is in order. The motion to strike out the enacting clause has precedence of the motion to amend, and may be offered while an amendment is pending. (See notes to Section 3 of Rule XII.)

IN ORDER WHEN?—See Rule 19, all Sections.—Many rulings in point can be found on pages 541 to 548 of Manual, 33d Legislature.

SENATE AMENDMENTS TO HOUSE BILLS.—Senate amendments to a House bill must be concurred in by two-thirds of the members-elect and the yeas and nays entered upon the Journal if the proposed law is to go into immediate effect. This is necessary for the reason that the Senate may substitute, by way of an amendment, an entirely new bill, provided the amendment does not change the original purpose of the bill, and it is certainly probable, if not very often the case, that the amended bill would not receive a

two-thirds vote, and should not go into immediate effect on the ground that the bill in its original form received the necessary vote. This should be a general rule and no exception should be made even for corrective amendments.

CONGRESSIONAL PRECEDENTS.

An amendment must be germane to the subject which is proposed to be amended.

The motions to postpone, refer, amend, for a recess, and to fix the day to which the House shall adjourn may be amended.

An amendment may not attach to the motion for the previous question or the motions to lay on the table and adjourn when used in the House.

A proposed amendment may not be accepted by the member in charge of the pending measure, but can be agreed to only by the House.

When it is proposed to perfect a paragraph, the motion to insert or strike out, if already pending, must remain in abeyance until the amendments to perfect have been moved and voted on.

It is not in order to offer more than one motion to amend at a time.

Under the later decisions, the principle has been established that an amendment should be germane to the particular paragraph or section to which it is offered.

An amendment inserting an additional section should be germane to the portion of the bill where it is offered.

An amendment germane to a bill as a whole, but hardly germane to any section, may be offered at an appropriate place with notice of motions to strike out following sections which it would supersede.

Both an original proposition and a proposed amendment in the nature of a substitute may be perfected by amendments before the vote is taken on the substitute.

An amendment in the nature of a substitute may be proposed before amendments to the original text have been acted on, but may not be voted on until after such amendments have been disposed of.

When a bill is considered by sections or paragraphs, an amendment in the nature of a substitute is properly offered after the several sections of the bill have been considered separately.

A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words.

To a motion to insert words in a bill a motion to strike out certain words of the bill may not be offered as a substitute.

If a portion of a proposed amendment be out of order, the whole of it must be ruled out.

A motion to strike out a paragraph pending, and the paragraph then being perfected by an amendment in the nature of a substitute, the motion to strike out necessarily fails.

When it is proposed to amend by inserting a paragraph, it should be perfected by amendment before the question is put on inserting.

When it is proposed to strike out a paragraph, it should be perfected by amendment before the question is put on striking out, although if the motion to strike out fails amendments may still be offered.

A negative vote on a motion to strike out and insert does not prevent the offering of another similar motion or a simple motion to strike out.

Words inserted by amendment may not afterwards be changed, except that portion of the original paragraph including the words so inserted, may be stricken out if, in effect, it presents a new proposition, and a new coherence may also be inserted in place of that stricken out.

It is in order to insert by way of amendment a paragraph similar (if not actually identical) to one already stricken out by amendment.

After a vote to insert a new section in a bill, it is too late to perfect the section by amendment.

It is not in order to amend an amendment that has been agreed to; but the amendment, with other words of the original paragraph, may be stricken out in order to insert a new text of a different meaning.

While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment.

The motion to strike out and insert may not be divided for the vote.

RULE XX.

OF COMMITTEES OF THE WHOLE HOUSE.

1. No appropriation of money shall be made except by bill; and when a bill appropriating money shall be reached or taken up, it shall be in order to move that the House resolve itself into the Committee of the Whole House for the purpose of considering such bill.

2. In forming a Committee of the Whole House the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

3. Upon bills committed to a Committee of the Whole House, the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a vote be taken on the question of engrossment.

4. All amendments made to an original motion in Committee of the Whole shall be incorporated with the motion and so reported.

5. In the event that the Committee of the Whole, at any sitting, shall, for want of time, fail to complete the amendments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the meantime, rise, report progress and ask leave to sit again generally, or at a day certain.

6. All amendments made to a report committed to the Committee of the Whole House shall be noted and reported, as in the case of bills.

7. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it was made or offered.

8. No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall first be discussed and voted in a Committee of the Whole House and so in respect to the time of its continuance.

9. All proceedings touching appropriations of money shall be discussed in the Committee of the Whole House.

10. The rules of proceedings in the House shall be observed in Committee of the Whole House so far as they may be applicable.

RULE XXI.

OF THE ORDER OF BUSINESS.

1. The daily order of business shall be as follows:

First—Prayer by the Chaplain.

Second—Excuses for absence of members and officers.

Third—First reading of bills filed with the Chief Clerk, and introduction of bills from the floor and their first reading, and reference of bills to committees.

Fourth—Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be made undebatable; but the mover may be allowed to state briefly the nature and purpose of the measure.

Fifth—Resolutions filed with the Chief Clerk, and resolutions offered from the floor, for twenty minutes, if not sooner disposed of.

Sixth—The unfinished business, to be considered until finally disposed of.

Seventh—Disposal of business on the Speaker's table as follows:

(1) Resolutions lying over from the previous day, and Senate concurrent resolutions.

(2) Reports of conference committees.

(3) Senate amendments to House bills and resolutions, requests of the Senate for a conference and all matters of disagreement, amendments and requests between the two houses.

(4) Reports of standing and special committees.

(5) Bills on their third reading.

(6) Bills on their second reading.

By the (daily) order of business is meant the seven main items contained in Section 1 of this rule. By the regular order, or the order of the day, as used in the rule relating to reconsideration, is meant the six divisions under the seventh main item of this section.

The rules expressly provide that a rule of the House or the daily order of business may be temporarily suspended for a definite purpose; but this provision is modified by the further provision that the regular order of business, that is, the regular order of disposing of the business on the Speaker's table, cannot be suspended except on Monday, at which time a majority vote only is necessary for such suspension.

For the information of the members the Speaker has distributed at the beginning of each legislative day a calendar showing the regular order of business, or so much thereof as can be printed on a single sheet of paper. This calendar is determined by the rules, and the Speaker has no control over it except on suspension days. He must place bills before the House in their regular order, and if at recess the next bill to be considered, as appears from the calendar, is House bill No. 29, and if by the time the House reconvenes House bill No. 7 has been received from the printer and has been distributed, it must be considered before House bill No. 29 is laid before the House, although House bill No. 29 may have been on the desks of the members for two weeks before House bill No. 7 was distributed.

On suspension days the Speaker can recognize the members to move a suspension of the rules in any order he pleases, but he usually recognizes them in the order in which they requested a suspension.

2. Special orders, after the first five items under the daily order of business have been passed, shall have precedence when the hour for considering the same has arrived, except as provided in Rule XVIII, Section 6, which provides that Senate bills, on Senate bill days, shall have precedence of House bills set as special order on those days.

Joint Rule No. XXIII provides that the House may not consider House bills on Senate bill days without the consent of the Senate unless there are no Senate bills on the Speaker's table.

3. All questions relating to the priority of business shall be decided by a majority, without debate.

RULE XXII.

SUSPENSION OF THE RULES AND ORDER OF BUSINESS AND SPECIAL ORDERS.

1. No standing rule or order of the House shall be suspended except by an affirmative vote of two-thirds of the members present; nor shall any other business be considered on days devoted by these rules to and used in consideration of Senate and local bills, except by unanimous consent.

Under the Joint Rules no House bill can be considered on days devoted to the consideration of Senate bills except with the consent of the Senate.

Most of the constitutional provisions that are embodied in the rules of the House are found in Rule XVIII, relating to the consideration of bills. Unlike the rules that are merely rules of the House, these constitutional provisions in the rules of the House cannot be suspended at all unless the Constitution itself specially provides for their suspension.

2. All Democratic platform demands shall have precedence in accordance with their number over all other bills on all days except suspension days, Senate bill days, and local bill afternoons; only demands which refer to certain and definite legislation shall be construed as platform demands; and where any plank or demand of the Democratic platform is in general terms, and does not specify the character of legislation demanded, no bill on any such subject shall be deemed a platform demand.

3. The Speaker shall not entertain a motion to suspend the order of business established by the rules for the purpose of taking up and considering any bill, resolution or other measure out of its regular order except on Monday of each week, and during the first four days of the last six days of the session; *provided, however, that in said last four suspension days it shall require a two-thirds vote to suspend the regular order and take up any measure.* When a request is made to suspend the order of business for taking up any certain bill, the Speaker shall ask if there is any objection. If there is no objection, the bill shall be immediately placed before the House for consideration. If there is objection,

the Speaker shall, without debate, after the caption of the bill has been read, put the motion to the House, and, if carried by a majority vote, the regular order of business shall be considered suspended for the purpose of taking up and considering said bill, resolution or other measure; provided, that no member shall be entitled to have more than one bill, resolution or other measure taken up out of its regular order until every other member has had an opportunity to call some bill or measure. Any measure so taken up under suspension and not disposed of on the same day shall go over as the unfinished business to the next sitting day of the House, and thereafter from day to day (except days devoted to and used in the consideration of Senate bills) until disposed of, but a motion to suspend left pending and undisposed of on one suspension day goes over to the next suspension day as the pending business of that day.

A suspension of the regular order is a suspension of the order for considering the business on the Speaker's table as prescribed in the seventh item of Section 1 of Rule XXI, and such a suspension is in order only on Monday and during the first four of the last six days of the session.

4. Any bill, resolution or other measure may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and, where once established as a special order, shall be considered from day to day until disposed of; and until it shall have been disposed of, no further special order shall be made.

Section 2 of Rule XXI provides that House bills set as special orders cannot be considered on Senate bill days. Joint Rule XXIII also provides that House bills cannot be considered by the House on Senate bill days without the consent of the Senate. For this reason a House bill pending as a special order on Senate bill days will not be considered on those days if there are any Senate bills on the calendar.

RULE XXIII.

OF COMMUNICATIONS FROM THE EXECUTIVE AND SENATE, CONFERENCE REPORTS, ETC.

1. Messages and communications from the Governor shall be received when announced, and shall be read on the date received.

2. All messages from the Senate shall be received when announced; Senate bills announced as passed shall be read the first time and referred to the proper committee on the day received.

3. Messages from the Senate announcing amendments to House bills and resolutions, non-concurrence in House amendments to Senate bills and resolutions, and requests for conferences, as also all reports of conference committees and all matters of disagreement, amendments and requests, between the two houses, shall go to the Speaker's table in their regular order, but they may be called up for action of the House at any time, except as against a motion to adjourn, or to fix the day to which the House shall adjourn.

RULE XXIV.

OF PETITIONS AND MEMORIALS.

All petitions and memorials shall be filed with the Chief Clerk and referred to committees in accordance with the endorsement of the member offering the same.

RULE XXV.

OF ABSENTEES.

1. No member shall absent himself from the sittings of the House without leave, unless in case of sickness. Should any member absent himself without leave for the purpose of impeding the action of the House, such member may be expelled; provided, that before action is taken hereunder the matter shall be referred to the Committee on Privileges, Suffrage and Elections for investigation and report. It shall require two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion.

2. The names of absentees shall appear upon the Journal.

Leaves of absence are granted members for a specified time or indefinitely, on account of sickness, important business, or important work for the House, such as committee work. The motion to excuse a member from attendance must state the time and reason of the absence.

Leaves of absence may be revoked at any time by a majority vote of the House.

RULE XXVI.

OF WITNESSES.

The rule for paying witnesses summoned to appear before the House, or any of its committees, shall be as follows: For each day a witness shall attend, the sum of \$2.00 and for coming to or going from the place of examination

he shall receive actual and necessary expenses, and \$2.00 for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for traveling home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

This rule was not adhered to in the Thirty-fifth Legislature (regular session), the resolution appointing the committee to investigate charges against the Governor fixed the rules the same as apply to district courts. \$1.00 per day and actual traveling expenses being paid witnesses, as in civil cases.

RULE XXVII.

OF ADMISSION TO THE HOUSE.

1. Persons hereinafter named, and none other, shall be admitted to the Hall of the House when the House is in session, viz: The members and employes of the House; Senators and employes of the Senate; the Governor and his private secretary; the Lieutenant Governor; the President and Vice-President of the United States; United States Senators and members of Congress; Governors of other States; judges of the Supreme Court and Courts of Criminal and Civil Appeals; the heads of all State departments, and contestants in election cases, pending their contests in the House.

2. Reporters of newspapers shall be assigned appropriate and convenient seats in the House by direction of the Speaker.

3. Provided, that no newspaper reporter, or any person whomsoever, whether a State officer or not, except the Governor, who is lobbying or working for or against any pending or prospective legislative measure, shall, in any event, be permitted upon the floor of the House, or the rooms leading thereto, when the House is in session; nor shall any newspaper reporter or correspondent, whose salary or compensation is paid in whole or in part by any person, firm, corporation or association other than the paper or papers for which he reports, or represents, be admitted into the Hall or rooms leading thereto when the House is in session. And any person who has appeared before any committee for or against any measure pending or that has been before this House shall come within this rule.

4. Every newspaper reporter and correspondent, before being admitted to the House during its session, shall file with the Speaker a written statement showing the paper or papers which he represents, and certifying that no part of his salary or compensation is paid by any person, firm, corporation or association except the paper or papers which he represents.

5. It shall not be in order for the Speaker to entertain a request, motion or resolution for the suspension of this rule, or to present from the chair the request of any member for unanimous consent.

The Speaker, under the provisions of this section, has repeatedly held resolutions to extend the privileges of the floor to former members of the Legislature and others out of order.

6. It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Hall of all persons not entitled to the privilege thereof five minutes before the hour of the meeting.

7. Provided, that this rule shall not be construed to prevent any citizen from appearing before any of the committees of the House when in session. And provided further, that this rule shall not apply during the inauguration of the Governor, and other public ceremonies provided for by resolution of the House. And it is further provided that no motion shall be in order to invite any person to address this House while it is in session, except those entitled to the privileges of the floor as defined by Section 1 of this rule.

8. Solicitors and collectors shall not be admitted to the House during its sessions.

RULE XXVIII.

AMENDMENTS TO THE RULES.

No standing rule or order of the House shall be rescinded or changed except by an affirmative vote of two-thirds of the members present. All propositions to rescind any rule or order shall be by resolution, to be at once referred, without debate, to the Committee on Rules, and reported therefrom within three days.

This rule relates only to proposed permanent changes in the rules and does not prevent a temporary suspension as provided for in Rule XXII.

The Committee on Rules are privileged to report a proposition referred to them at any time within three days.

It is proper for the Speaker to refer a proposed amendment to the rules to the Committee on Rules as soon as it is read and not wait for a motion to refer. The rules require that all proposed changes in the rules be referred to the Committee on Rules.

RULE XXIX.

WHEN RULES ARE SILENT.

On any question of order or parliamentary practice where these rules are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practice of the United States House of Representatives shall be considered as authority.

The Digest of the Rules and Practice of Congress referred to in the above rule is Hinds' Precedents, to which the citations in the House Manual and Digest of the National Congress refer.